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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,198	08/06/2003	Stephen C. Jolley	BMA 2325	6873

34356 7590 10/29/2004

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EXAMINER


CAMPBELL, KELLY E

ART UNIT PAPER NUMBER

3618

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,198	Applicant(s) JOLLEY, STEPHEN C.	
	Examiner Kelly E Campbell	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/06/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fransson (US 1,068,120).

Fransson teaches an apparatus for transporting cargo over snowy icy surfaces, the apparatus including:

- a plurality of elongate ski members (1) having front and rear end portions and a planar top surface (2)
- a plurality of clamping members (7,14) connected to the top surfaces of the ski members receiving/maintaining a bottom portion of a cargo in a stable position during transportation
- the clamping members (7,14) having a plurality of support members (19) extending upwardly from the respective top surfaces of the ski members
- a plurality of arcuate-shaped adjustable arms (8,15) connected to the support members (19) and movable between open and closed positions via bolt (18)

Claims 1-3,5,8-9,11 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Turner (US 2,081,024).

Turner teaches an apparatus (1) for transporting cargo over snowy icy surfaces, the apparatus including:

- a plurality of elongate ski members (1) having front and rear end portions (A) and a planar top surface
- a plurality of clamping members (5) connected to the top surfaces of the ski members receiving/maintaining a bottom portion (6) of a cargo in a stable position during transportation
- the clamping members (5) having a plurality of support members (2) extending upwardly from the respective top surfaces of the ski members (1)
- a plurality of arcuate-shaped adjustable arms (5/B) connected to the support members (2) and movable between open and closed positions via bolt (4)
- the plurality of support members (2) each has an elongate slot (3) formed there through and for allowing the clamping members (5) to move between forward and rearward positions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3618

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,10 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 2,081,024) as applied to claims 2,8 and 14 above, and further in view of Golubics (US 2,523,950).

Turner teaches all aspects of the claimed invention as discussed above for claim 1, except a spring connected to the clamp arms.

Golubics teaches a ski member (21) having an arm (23) and a clamp arm (30) adjustable via a spring (35) and biased bolt (34) for retaining a receiving a bottom portion of a cargo, see Figure 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bolt of the clamping arms of the cargo transporting apparatus taught by Turner, to include a spring as a spring biased bolt for adjusting the clamping arms, such as taught by Golubics, in order to provide a quick release for removing the cargo from the transport apparatus, for convenience and ease of use.

Claims 6-7,12-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 2,081,024) as applied to claims 1,8 and 14 above, and further in view of Lageer et al (US 4,251,085).

Turner teaches all aspects of the claimed invention as discussed above for claims 1,8 and 14, except telescopically adjustable ski members.

Lageer et al teaches a telescopically adjustable ski member (24), referring to Figures 5-7, wherein a female portion (25) and a male portion (26) telescopically engagable therewith for adjusting the length of the ski members (24) respectively.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the length of the ski members taught by Turner, via telescopic assembly as taught by Lageer et al, so that when not in use, the runners are easily stored.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beffel teaches an apparatus for transporting cargo over icy surfaces including ski members and adjustable clamps of arcuate shape. Leith teaches an adjustable clamp runner assembly for vehicles. Morando teaches a clamp for a runner apparatus for modifying a cargo vehicle. Graham teaches an apparatus for transporting cargo over ice including ski members and arcuate, spring biased clamps. Lambert et al teaches an apparatus for transporting cargo over ice including telescopically adjustable ski members. Duncan teaches a ski attachment apparatus for cargo vehicles.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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